



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
---------------	-------------	-----------------------	---------------------

08/196,154 11/16/95 LIVINGSTON

P 43016-A-PCT-

EXAMINER

18M1/0625

ART UNIT CAPUTA PAPER NUMBER

12

JOHN P. WHITE  
COOPER AND DUNHAM  
1185 AVENUE OF THE AMERICAS  
NEW YORK NY 10036

DATE MAILED: 1817

06/25/97

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

The communication filed on 12/16/96 is non-responsive to the prior Office action because it is not clear from applicants response if applicants traverse the provisional rejection under 35 USC 101 as set forth in the last Office Action. Applicants response that the "provisional rejection" should be withdrawn in view of the arguments under 35 USC 103 and 112 would appear to address the obvious type double patenting since an obvious type rejection is analogous to 35 USC 103 (See MPEP 804 {page 800-16}). Since the response appears to be *bona fide*, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is required to complete the response within a TIME LIMIT of ONE MONTH from the date of this letter or within the time remaining in the response period of the last Office action, whichever is longer. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) OR (b), but the period for response set in the last office action may be extended up to a maximum of SIX MONTHS.

Any inquiry concerning this communication should be directed to Dr. Anthony C. Caputa, whose telephone number is 703-308-3995.

Anthony. C. Caputa, Ph.D.  
June 23, 1997

  
ANTHONY C. CAPUTA  
PRIMARY EXAMINER  
GROUP 1800